

GENERAL SECRETARIAT

Enunciates the principles to be observed by Revenue Officers in the recovery of arrears of
Kandayam and arrears of Land Improvement Loan

REVENUE APPEAL NO. 86 OF 1933-34.

T. C. Siddappa, Chikthotlukere Village, Tumkur Taluk Appellant.
 vs.
 B. N. Padmanabiah, Merchant, Tumkur Respondent.

SUBJECT.

Appeal against the order of the Revenue Commissioner, in Appeal No. 210—32-33, dated 6th January 1934, regarding the sale of Survey Nos. 39, 41 and 42 of Ganganala Village in Tumkur Taluk, for arrears of land revenue and land improvement loan.

A land improvement loan of Rs. 1,000 was advanced to the appellant in 1926-27 on the security of Survey Nos. 39, 40, 41 and 42 of Ganganala Village in Tumkur Taluk, and the repayment of the loan was to begin from 1927-28. The appellant failed to pay the instalments during 1927-28, 1928-29 and 1929-30. For the recovery of the dues amounting to Rs. 379-1-8, a demand notice was issued on 2nd January 1931 and served on the appellant on 23rd February 1931 in Challakere Kasaba, where he had settled down. The sale notification fixing the sale on 30th June 1931 was issued on 19th May 1931, and was served on the land. A copy of it was served on the appellant also on 9th July 1931 and he made a *shara* on it to the effect that he would apply to the authorities about payment of loan arrears.

The sale was adjourned from 30th June 1931 to the next day for want of bidders. Though the demand notice was for Rs. 379-1-8, the right title and interest of the appellant in the lands was put up for sale on 1st July 1931, for the entire loan amount of Rs. 1,515-4-6. But as there were no bids forthcoming at the sale, the lands were resumed to Government.

On 6th August 1931, the appellant petitioned the Sub-Division Officer pointing out the difference in the amount of the loan instalment noted in the demand notice and that in the *istihar*. But without taking any notice of this petition, the Sub-Division Officer recommended that the sale might be confirmed and that further action might be taken for the recovery of the dues. The Deputy Commissioner thereupon confirmed the sale on 3rd February 1932.

On 21st December 1932, the appellant petitioned the Deputy Commissioner stating that three of his cattle had been distrained by the Amildar towards the loan instalments overdue and praying that the same might be released on his paying the first instalment. The Deputy Commissioner ordered that the sale of the cattle might be stopped if the party paid Rs. 200 immediately, entered into a *mutchalika* and offered a surety to pay up the balance of instalments then due before the 30th June 1933 and the future loan instalments regularly. The appellant did not keep up to those conditions. The Amildar thereupon brought the moveables of the appellant to sale and realised Rs. 71 thereby.

On 4th August 1932, a demand notice for Rs. 40-13-5 being the *kandayam* due on Survey Nos. 39, 41 and 42 of Ganganala Village for 1931-32, was issued and served on the appellant on 5th November 1932. The lands were forfeited on 21st September 1932 and the sale was fixed on 28th January 1933. The appellant paid Rs. 57-12-1 to the Patel towards the *kandayam*, but the amount was adjusted towards the loan arrears due by him. On the date of this sale (28th January 1933), the loan arrears of Rs. 1,471-0-2 were added on to the item of revenue dues and the total demand came up to Rs. 1,554-3-0 (including the *kandayam* for 1932-33). In the sale (held near the Taluk Office) Survey Nos. 39, 41 and 42 were knocked down to the respondent for Rs. 500, and the Deputy Commissioner confirmed the same on 27th April 1933.

The appellant preferred an appeal to the Revenue Commissioner in the matter and that officer granted a week's time to him (appellant) to pay up the entire balance due up to 1st December 1933 on account of the loan. But as the appellant did not pay the arrears within the stipulated time, the appeal was dismissed with the remark that the appellant had many opportunities to pay up the dues and to have the sale avoided or set aside and that as in July 1931, the right title and interest of the appellant were sold for arrears of the loan, the appellant had really no *locus standi* in the subsequent proceedings for the recovery of revenue arrears. This order is now appealed against.

The case came up for hearing on 1st September 1934 and the counsel for the parties were present and heard.

ORDER THEREON No. R. 1630-38—L. R. 259-33-4, DATED BANGALORE,
 THE 1ST OCTOBER 1934.

Government observe that the procedure adopted in this case by the local authorities discloses serious irregularities. For arrears due on a land improvement loan, the right, title and interest of the appellant in the lands in question were put up to auction on 1st July 1931, but there were no bids; and the note of the sale

conducting officer in the harazpatti is to the effect that, as there were no bids, the lands are resumed to Government. Resumption to Government in such cases, where the lands are not liable to forfeiture, is unwarranted by law. It was open to the local officers to purchase, for a price, the right, title and interest of the defaulter in the lands and take them over subject to any existing rights of third parties. In the absence of this, there was in fact no sale, the sale proceedings having proved infructuous. The Deputy Commissioner's order of the 3rd February 1932, purporting to confirm the so called sale has no effect. If the local authorities really proceeded on the basis that the right, title and interest of the defaulter in the lands had passed to Government, it is curious that they should have proceeded to recover the land revenue on the lands by issuing notice of demand to the appellant.

The sale for land revenue arrears held on 28th January 1933 is vitiated by two serious irregularities. The demand notice issued to the appellant was for Rs. 40-13-5. The sum appears to have been paid to the Patel on the 16th January 1933, twelve days before the date fixed for the sale. The amount was, however, credited not towards the purpose for which it was paid but towards arrears of land improvement loan due from the appellant. Further, while the sale proclamation showed that the sale was for arrears of land revenue amounting to Rs. 40-13-5 (and costs), the harazpatti makes out that the sale was not only for the recovery of the above arrears of land revenue but also for a sum of Rs. 1,471 due as arrears of land improvement loan.

In the case of arrears of land improvement loan it is only the right, title and interest of the defaulter that is sold, while in the case of land revenue arrears the land is sold free of encumbrances. The proper procedure was to sell the lands for arrears of land revenue and if there was any surplus after meeting the revenue dues, to attach such surplus and credit it to the land improvement loan account.

In the result, Government hold the sale in favour of the respondent to be vitiated by material irregularities and direct that it be cancelled. The Revenue Commissioner's order is set aside.

S. ABDUL WAJID,

*Secretary to Government,
General Department.*

Sanctions the opening of a Rural Reconstruction Centre at Dodballapur.

READ—

Correspondence ending with letter dated 13th August 1934, from the National Council Secretary of the Y. M. C. A. in India, in the matter of opening a Rural Reconstruction Centre at Dodballapur.

ORDER No. E. 755-60—EDN. 35-33-8, DATED BANGALORE,
THE 21ST SEPTEMBER 1934.

The National Council of the Y. M. C. A. in India, proposed to open a Rural Reconstruction Centre in Dodballapur, with the following activities with the aid of a subsidy from Government and with permission to utilise for the purpose, the buildings which previously belonged to the "Heart of India Mission" and which have since been purchased by Government:—

- (1) Starting of rural industries such as bee-keeping, poultry breeding, fruit and vegetable cultivation and preservation, goat and sheep breeding and rattan work.
- (2) A centre of rural education (villages within ten miles of the centre to be taken up—one by one) for lectures, lantern demonstrations, exhibitions, etc.
- (3) Propaganda in santhes and festivals.
- (4) Survey of every village in the area.
- (5) Museums and permanent exhibitions at the centres.
- (6) A good library at the centre and development of village libraries and reading rooms.
- (7) Agricultural propaganda.
- (8) An annual summer school for teachers, co-operative workers, voluntary workers, etc.
- (9) Village Improvement Associations.

Towards the cost of the scheme estimated at Rs. 10,425 initial expenditure and Rs. 7,950 recurring per annum (as per revised estimates appended hereto) they have requested the Government to meet the whole of the initial expenditure and to sanction a maintenance grant of Rs. 4,000 a year for a period of five years.

The National Council Secretary of the Y. M. C. A. (Mr. D. F. McClelland) was informed that Government would agree to the proposal subject to the conditions—(a) that the Y. M. C. A. agree to spend an equal amount towards the recurring cost of the scheme every year, (b) that the equipment and other assets shown under capital expenditure will remain the property of Government, and (c) that the Y. M. C. A. execute an agreement embodying these terms before the lands and buildings at Dodballapur are handed over.

Mr. McClelland has in his letter dated 13th August 1934, intimated that the Executive Committee of the Y. M. C. A. National Council have officially accepted the proposals of the Government in the matter.

In view of the usefulness of a Rural Reconstruction Centre in the Mysore State and of the experience possessed by the Y. M. C. A. in working such centres, Government are pleased to sanction the proposal of the Y. M. C. A. for the opening of a Rural Reconstruction Centre at Dodballapur in the buildings which were recently purchased by Government from the "Heart of India Mission" and to direct that the lands and buildings at Dodballapur be allowed to be used by the Y. M. C. A. for the purpose for a period of ten years. They are further pleased to sanction a recurring maintenance grant of Rs. 4,000 per annum for a period of five years with effect from the current year 1934-35, subject to an equal amount being spent by the Y. M. C. A. and to meet the whole of the initial expenditure of Rs. 10,425 subject to the aforesaid conditions. The recurring grant will be paid quarterly in advance. The terms on which the property is handed over to the National Council will be embodied in a formal agreement to be executed by that body. Meantime the Deputy Commissioner, Bangalore District, is requested to hand over possession of the property to the National Council from 1st October 1934, subject to the execution of the agreement in due course.

The expenditure on this account will be charged to a separate head under "30 Grants—Rural Reconstruction." A sum of Rs. 4,000 has been provided in the current year's budget under "30 Public Improvements," towards the recurring grant for the institution, and a like amount will be provided in the budgets of the next four years. The cost on account of the initial expenditure will be met by reappropriation from grants under "30 Grants for Improvements" and if reappropriation is found not possible, a demand will be placed before the Legislative Council for an additional grant.

S. ABDUL WAJID,
Secretary to Government,
General Department.

ANNEXURE.

NEW RURAL CENTRE FOR MYSORE.

CAPITAL EXPENDITURE—NON-RECURRING.

I. Bee-keeping.—				Rs.	Rs.
1.	Bee-colonies and hives	...	...	150	
2.	Bee Appliances	...	...	100	
				<hr/>	250
II. Poultry.—					
1.	Breeding pens of fowls (3)	...	...	300	
2.	Poultry feed and medicines	...	...	300	
3.	Poultry appliances	...	...	500	
4.	Poultry houses (4)	...	...	500	
				<hr/>	1,600

		Rs.	Rs.
<i>III. Fruits and Vegetables.—</i>			
1. Seeds and plants	...	200	
2. Tools, implements, etc.	...	150	
3. Pair of bullocks	...	200	
4. Cart	...	75	
5. Preserving outfit	...	100	
			725
<i>IV. Educational.—</i>			
1. Charts, models, pictures, etc.	...	250	
2. Lantern slides	...	150	
3. Books, initial purchases	...	100	
			500
<i>V. Office Equipment.—</i>			
1. Benches, chairs, tables, shelves, almirahs, etc.	...	700	
2. Secondhand typewriter	...	200	
3. Borehole latrine, etc.	...	100	
			1,000
<i>VI. Borewell and Pump.—</i>			
1. Borewell	...	1,500	
2. Pump	...	350	
			1,850
<i>VII. Building.—</i>			
1. Fencing compound	...	1,000	
2. Repairs	...	3,000	
3. Electric wiring	...	500	
			4,500
	Total	...	10,425

RECURRING EXPENDITURE PER ANNUM.

		Rs.	Rs.
<i>I. Bee-keeping.—</i>			
1. Sundry expenses	...	100	100
<i>II. Poultry.—</i>			
1. Food and medicine	...	300	
2. Servant (15×12)	...	180	
3. Birds and eggs	...	150	
4. Sundries	...	50	
			680
<i>III. Fruit and Vegetables.—</i>			
1. Wages (1 man—15×12)	...	180	
2. Feeding bullocks	...	240	
3. Miscellaneous	...	50	
			470
<i>IV. Staff and Supervision.—</i>			
1. Secretary at Rs. 200 per mensem	...	2,400	
2. Supervision by National Council Staff	...	1,200	
3. Provident Fund	...	150	
4. Assistant at Rs. 60 per mensem	...	720	
5. Two servants at (Rs. 15×12×2)	...	360	
6. Travelling allowance to Secretary	...	600	
			5,430
<i>V. Office.—</i>			
1. Stationery and postage	...	240	
2. Servant	...	180	
			420
<i>VI. Educational.—</i>			
1. Exhibitions, etc.	...	300	
2. Library and Reading Room	...	100	
3. Summer School	...	300	
			700
<i>VII. Contingencies</i>			
	...	150	150
	Total	...	7,950

**Issues revised instructions regarding the continuance and confirmation of
Temporary and Acting Officials in Service.**

READ—

The following Rule 8 of the Revised Rules of Recruitment governing the Subordinate Services of Government, issued with Government Order No. 6-105—C.R.B. 1-34-1, dated 3rd July 1934 :—

“Where qualifications are prescribed for selection for admission to the service in any capacity, no person who on the date of issue of these rules is already officiating or is temporarily employed in such capacity shall ordinarily be admitted as a member of the service in such capacity, unless and until he has proved his possession of these qualifications.”

ORDER No. 2877-2976—C. R. B. 1-34-2, DATED BANGALORE,
THE 3RD OCTOBER 1934.

Government are pleased to direct that the Rule read above will not apply to the cases of the following classes of temporary and acting officials already in service, recruited under the existing rules, and that their cases for confirmation will not be governed by the Revised Rules, but be dealt with, as under the existing Rules :—

- (i) Persons who have been recruited in permanent vacancies but are still working temporarily, either for not having completed the probationary period or for not having passed the prescribed departmental tests.
- (ii) Persons who have been recruited in “likely to become permanent” vacancies, actually treated as permanent vacancies and classed as such.
- (iii) Candidates of backward communities who have been recruited in temporary vacancies and who should ordinarily be confirmed therein as per Rule 23, Note (ii) of the Manual of Recruitment Rules, when those vacancies eventually become permanent.

2. Temporary or acting officials who do not come under any of the above three classes and who having been recruited under the existing rules, in purely temporary vacancies are continuing therein and would, under Rule 8 of the Revised Rules read above, have to be discontinued, may however be continued therein so long as those temporary vacancies in which they were appointed continue.

S. ABDUL WAJID,
*Secretary to Government,
General Department.*

DEVELOPMENT SECRETARIAT

Distributes the provision made for Drinking Water Wells in Villages.

ORDER No. L. 2459-79—V. P. 18-34-11, DATED BANGALORE,
THE 1ST OCTOBER 1934.

Government are pleased to direct that the provision of Rs. 75,000 made under “30. Grants for Public Improvements, 6. Drinking Water Wells in Villages,” in the State Budget for 1934-35, be distributed as shown below :—

<i>District.</i>	<i>Rs.</i>	
Bangalore ...	8,000	To be at the disposal of the Deputy Com- missioners.
Kolar ...	9,000	
Tumkur ...	8,000	
Mysore ...	8,000	
Hassan ...	6,000	
Shimoga ...	7,000	
Kadur ...	7,000	
Chitaldrug—		
(a) for ordinary wells ...	6,000	
(b) for guinea worm wells ...	10,000	
Hassan District Board—for completion of in- complete works only ...	6,000	
Total ...	75,000	

M. VENKATANARAYANAPPA,
*Secretary to Government,
Development Department.*